



April 8, 2003

---

---

## ENGROSSED SENATE BILL No. 187

---

DIGEST OF SB 187 (Updated April 7, 2003 7:10 PM - DI 75)

**Citations Affected:** IC 20-1; IC 20-10.1; noncode.

**Synopsis:** School corporation performance report. Changes the required publication date and some components of school corporation annual performance reports. Requires annual school corporation performance reports to include ISTEP test scores and an explanation of the statistical significance of variance in ISTEP scores. Provides for reports to be made available on the Internet. Requires school corporations to provide free copies of reports upon request. Removes language concerning the performance based accreditation program. Provides that a public school having a longer school day than the statute requires may conduct specified activities other than student instruction during up to five full days of the 180 day school year until June 30, 2005. Changes certain requirements for a student with a disability to receive a waiver to graduate from high school without passing the graduation examination. Requires a student who seeks a waiver to: (1) attain the goals established by the student's individual educational program rather than to attain the academic standard in a subject area; and (2) maintain a passing grade rather than a "C" average. (The introduced version of this bill was prepared for the interim study committee on education issues.)

**Effective:** Upon passage; July 1, 2003.

---

---

### Lubbers, Breaux, Rogers, Alting

(HOUSE SPONSORS — PORTER, SCHOLER)

---

---

January 7, 2003, read first time and referred to Committee on Education and Career Development.

January 16, 2003, reported favorably — Do Pass.

January 21, 2003, read second time, ordered engrossed.

January 22, 2003, engrossed.

January 23, 2003, read third time, passed. Yeas 49, nays 0.

#### HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Education.

March 27, 2003, amended, reported — Do Pass.

April 2, 2003, recommitted to Committee on Rules and Legislative Procedure.

April 8, 2003, amended, reported — Do Pass.

---

---

ES 187—LS 6934/DI 109+



C  
o  
p  
y

April 8, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 187

---

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-1-21-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** Not earlier than  
3 ~~September 1~~ **January 15** or later than ~~September 15~~ **January 31** of  
4 each year, the governing body of a school corporation shall publish an  
5 annual performance report of the school corporation, in compliance  
6 with the procedures identified in section 8 of this chapter. The report  
7 must be published one (1) time annually under IC 5-3-1.

8 **(b) The department shall make each school corporation's annual**  
9 **performance report available on the department's Internet web**  
10 **site. The governing body of a school corporation may make the**  
11 **school corporation's annual performance report available on the**  
12 **school corporation's Internet web site.**

13 **(c) The governing body of a school corporation shall provide a**  
14 **copy of the annual performance report to any person who requests**  
15 **a copy. The governing body may not charge a fee for providing the**  
16 **copy.**

17 SECTION 2. IC 20-1-21-7, AS AMENDED BY P.L.221-1999,

ES 187—LS 6934/DI 109+



C  
o  
p  
y

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. A report must contain the following:

(1) The ~~benchmarks and indicators of performance information~~ listed in section 9 of this chapter for each of the preceding three (3) years.

(2) Additional components determined under section 8(4) of this chapter.

~~(3) A comparison of the benchmarks described in section 9(1) through 9(3) of this chapter to performance based accreditation goals developed under IC 20-1-1.2.~~

~~(4)~~ **(3)** Additional information or explanation that the governing body wishes to include, including **the following**:

**(A)** Results of assessments of students under programs other than the ISTEP program that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ISTEP program.

**(B)** The number and types of staff professional development programs.

**(C)** The number and types of partnerships with the community, business, or higher education.

**(D)** Levels of parental participation.

SECTION 3. IC 20-1-21-8, AS AMENDED BY P.L.221-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The state superintendent and the Indiana state board of education, in consultation with school corporations, educational organizations, appropriate state agencies, and other organizations and individuals having an interest in education, shall develop and periodically revise the following for the benchmarks and indicators of performance under section 9 of this chapter and the additional components of the performance report:

(1) Reporting procedures, including the following:

(A) A determination of the information that a school corporation must compile and the information that the department must compile.

(B) A determination of the information required on a school by school basis and the information required on a school corporation basis.

(C) A common format suitable for publication, including tables, graphics, and explanatory text.

(2) Operational definitions.

(3) Standards for implementation.



C  
o  
p  
y

(4) Additional components for the report that may be benchmarks, indicators of performance, or other information.

~~(5) Targets identified in performance based accreditation goals developed under IC 20-1-1.2 for certain benchmarks and a reporting system that measures schools and school corporations against the targets.~~

SECTION 4. IC 20-1-21-9, AS AMENDED BY P.L.237-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. ~~Beginning with the report published in 2002,~~ The report must include the following ~~benchmarks or indicators of performance:~~ **information:**

(1) **Student enrollment.**

(2) Graduation rate.

~~(2)~~ (3) Attendance rate.

~~(3)~~ (4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ISTEP test scores **and an explanation of the statistical significance of variance in ISTEP scores as provided by the department.**

(B) Scores for assessments under IC 20-10.1-16-15, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

~~(4) Actual~~ (5) **Average** class size.

~~(5)~~ (6) The number and percentage of students in the following groups or programs:

(A) ~~At risk.~~ **Alternative education, if offered.**

(B) Vocational education.

(C) Special education.

(D) Gifted or talented, **if offered.**

(E) Remediation. ~~and preventive remediation.~~

**(F) Limited English language proficiency.**

**(G) Students receiving free or reduced price lunch under the national school lunch program.**

~~(6)~~ (7) Advanced placement, including the following:

(A) For advanced placement tests, the ~~number and~~ percentage of students:

(i) scoring three (3), four (4), and five (5); ~~and or~~

(ii) ~~participating.~~ **taking the test.**

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors

C  
o  
p  
y



diploma program; and

(iii) the ~~number and~~ percentage of students ~~participating~~  
~~taking the test.~~

~~(7)~~ **(8)** Course completion, including the number and percentage  
of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

**(9) The percentage of grade 8 students enrolled in algebra I.**

~~(8)~~ **(10)** The percentage of graduates who pursue higher  
education.

~~(9)~~ **(11)** School safety, including the number ~~and percentage~~ of  
students receiving suspension or expulsion for the possession of  
alcohol, drugs, or weapons.

~~(10)~~ **(12)** Financial information and various school cost factors,  
~~relevant to performance, including the following:~~

**(A) Expenditures per pupil.**

**(B) Average teacher salary.**

**(C) Remediation funding.**

~~(11)~~ **(13)** Technology accessibility and use of technology in  
instruction.

~~(12)~~ Staff professional development, including the type and extent  
of opportunities available.

~~(13)~~ **(14)** Interdistrict and intradistrict student mobility rates,  
if that information is available.

~~(14)~~ Number and types of partnerships with the community,  
business, or higher education.

~~(15)~~ Teacher licensing, certification, and preparation, including  
The number ~~and percentage~~ of teachers with national board  
certification. ~~each of the following within the school~~  
~~corporation:~~

**(A) Teachers who are certificated employees (as defined in  
IC 20-7.5-1-2).**

**(B) Teachers who teach the subject area for which the  
teacher is certified and holds a license.**

**(C) Teachers with national board certification.**

~~(16)~~ The percentage of grade 3 students reading at ~~or above~~ grade  
3 level.

~~(17)~~ ~~A comparison of ISTEP scores and the dropout rate. The~~  
~~number of students expelled, including the number~~  
~~participating in other recognized education programs during~~  
~~their expulsion.~~



(18) Other indicators of performance as recommended by the education roundtable (IC 20-1-20.5-3).

SECTION 5. IC 20-10.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A school year is the period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose.

(b) A student instructional day in grades 1 through 6 consists of a minimum of five (5) hours of instructional time. A student instructional day in grades 7 through 12 consists of a minimum of six (6) hours of instructional time. For purposes of this section, instructional time is time in which students are participating in an approved course, curriculum, or educationally related activity under the direction of a teacher, including a reasonable amount of passing time between classes. However, instructional time does not include lunch or recess.

(c) ~~For the 1987-88 school year, each school corporation shall conduct at least one hundred seventy-five (175) student instructional days. For the 1988-89 school year and each school year after that,~~ **Subject to section 1.1 of this chapter,** each school corporation shall conduct at least one hundred eighty (180) student instructional days. ~~No~~ **Not** later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year. **The certification of days must include information pertaining to the activities conducted on the days described in section 1.1 of this chapter.**

(d) If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under subsection (c), the department shall reduce the August tuition support distribution to that school corporation by an amount determined as follows:

(1) ~~For the 1987-88 school year, the amount determined under STEP THREE of the following formula:~~

STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175):

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred seventy-five (175):

STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO:

(2) ~~For the 1988-89 school year and each school year after that,~~

C  
o  
p  
y



the amount determined under STEP NINE of the following formula:

STEP ONE: Determine the remainder of:

- (A) (1) the amount of the total tuition support allocated to the school corporation for the particular school year; minus
- (B) (2) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

(e) The department may grant a waiver of the penalty imposed under subsection (d) for a particular number of ~~cancelled~~ **canceled** student instructional days if:

- (1) the school corporation applies to the department for a waiver of the penalty imposed under subsection (d) for a specific number of ~~cancelled~~ **canceled** student instructional days; and
- (2) each of the particular number of student instructional days requested to be waived under this subsection was ~~cancelled~~ **canceled** due to extraordinary circumstances.

(f) The department shall develop guidelines for school corporations to apply for a waiver under subsection (e).

SECTION 6. IC 20-10.1-2-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. (a) This section applies to a public school that exceeds the student instructional day requirement set forth in section 1(c) of this chapter in a manner so**



that each instructional day is comprised of at least:

- (1) five (5) hours and eighteen (18) minutes for grades 1 through 6; or
- (2) six (6) hours and twenty-one (21) minutes for grades 7 through 12.

(b) A school described in subsection (a) may use the equivalent of up to five (5) of the school instructional days in a school year, including full days, to conduct one (1) or more of the following instead of student instruction:

- (1) Activities associated with the strategic and continuous school improvement and achievement plan under IC 20-10.2-3.
- (2) Professional development activities required under IC 20-1-1-6.5.
- (3) Parental involvement initiatives.
- (4) Community partnership activities.
- (5) Standards, curriculum, instruction, and assessment alignment.
- (6) Any other activity associated with the implementation of IC 20-1-1-6.3, IC 20-1-1-6.5, or IC 20-10.2.

(c) This section expires June 30, 2005.

SECTION 7. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) ~~Beginning with the class of students who expect to graduate during the 1999-2000 school year,~~ Each student is required to meet:

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:

- (1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.



Copy



(2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the **academic standard in the subject area goals established by the student's individual educational**

C  
O  
P  
Y



**program** based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board: **a passing grade as defined by the governing body of the school corporation where the student is enrolled.**

(E) Otherwise satisfies all state and local graduation requirements.

SECTION 8. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 20-1-21-4, as amended by this act, the governing body of a school corporation is not required to publish an annual performance report of the school corporation in calendar year 2003. However, the annual performance report of a school corporation that is published in January 2004 must include the information that would have been included in the annual performance report published in 2003 if IC 20-1-21-4 had not been amended by this act.**

**(b) This SECTION expires February 1, 2004.**

SECTION 9. **An emergency is declared for this act.**

C  
o  
p  
y



SENATE MOTION

Mr. President: I move that Senators Breaux and Rogers be added as coauthors of Senate Bill 187.

LUBBERS

---

SENATE MOTION

Mr. President: I move that Senator Alting be added as coauthor of Senate Bill 187.

LUBBERS

C  
o  
p  
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 187, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 187 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, after "scores" delete "." and insert **"and an explanation of the statistical significance of variance in ISTEP scores as provided by the department."**

Page 4, after line 42, begin a new paragraph and insert:

**"SECTION 5. IC 20-10.2-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:**

**Chapter 8. Commission for Superior Academic Achievement by All Students**

**Sec. 1. As used in this chapter, "commission" refers to the commission for superior academic achievement by all students established under section 2 of this chapter.**

**Sec. 2. (a) The commission for superior academic achievement by all students is established.**

**(b) Thirty-two (32) members of the commission shall be selected as follows:**

**(1) Sixteen (16) members appointed by the speaker of the house of representatives. Not more than four (4) of the members appointed under this subdivision who are members of the house of representatives may be members of the same political party. At least eight (8) of the members appointed under this subdivision must be citizens who are not members of the general assembly.**

**(2) Sixteen (16) members appointed by the president pro tempore of the senate. Not more than four (4) of the members appointed under this subdivision who are members of the senate may be members of the same political party. At least eight (8) of the members appointed under this subdivision must be citizens who are not members of the general assembly.**

**Citizen members of the commission appointed under this subsection must be selected to represent education and minority concerns.**

**(c) The following individuals shall serve as ex officio nonvoting members of the commission:**

**(1) The governor or the governor's designee.**

**(2) The lieutenant governor or the lieutenant governor's**



C  
o  
p  
y

designee.

(3) The state superintendent of public instruction or the superintendent's designee.

(4) The executive officer of the commission for higher education or the executive officer's designee.

(d) The chairperson of the commission shall be appointed jointly by the:

(1) speaker and minority floor leader of the house of representatives; and

(2) president pro tempore and minority floor leader of the senate;

from the voting members of the commission.

(e) A vacancy in a voting member's position on the commission shall be filled by appointment of a replacement member for the unexpired term. The appointing authority who appointed the member causing a vacancy shall appoint a replacement for that member.

(f) The commission shall operate as a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

Sec. 3. The commission shall operate under the policies governing study committees adopted by the legislative council. However, the legislative members and citizen members of the commission are not entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

Sec. 4. (a) Not later than December 1, 2003, the commission shall submit a written preliminary report of the commission's activities.

(b) Not later than December 1, 2004, the commission shall submit a written report of its recommendations concerning the following:

(1) The elimination of gaps in the achievement levels of student sociodemographic subgroups.

(2) Improvements beyond proficiency to advanced levels in the state's standards of academic achievement.

(c) The preliminary report and the report of recommendations shall be submitted to:

(1) the governor;

(2) the state superintendent of public instruction;

(3) the state board of education;



C  
O  
P  
Y

**(4) the education roundtable established by IC 20-1-20.5-3;  
and**

**(5) the executive director of the legislative services agency.**

**Sec. 5. (a) For the period beginning July 1, 2003, and ending December 31, 2004, the commission may accept any available state funding and private donations to administer this chapter.**

**(b) The department of education shall staff the commission and perform the duties imposed by this chapter.**

**Sec. 6. This chapter expires December 31, 2004."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 187 as printed January 17, 2003.)

PORTER, Chair

Committee Vote: yeas 14, nays 0.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-10.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A school year is the period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose.

(b) A student instructional day in grades 1 through 6 consists of a minimum of five (5) hours of instructional time. A student instructional day in grades 7 through 12 consists of a minimum of six (6) hours of instructional time. For purposes of this section, instructional time is time in which students are participating in an approved course, curriculum, or educationally related activity under the direction of a teacher, including a reasonable amount of passing time between classes. However, instructional time does not include lunch or recess.

(c) ~~For the 1987-88 school year, each school corporation shall conduct at least one hundred seventy-five (175) student instructional days. For the 1988-89 school year and each school year after that,~~ **Subject to section 1.1 of this chapter,** each school corporation shall conduct at least one hundred eighty (180) student instructional days. ~~No~~ **Not** later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year. **The certification of days must include information pertaining to the activities conducted on the days described in section 1.1 of this chapter.**

(d) If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under subsection (c), the department shall reduce the August tuition support distribution to that school corporation by an amount determined as follows:

(1) ~~For the 1987-88 school year, the amount determined under STEP THREE of the following formula:~~

STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175):

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred

C  
o  
p  
y





~~seventy-five (175).~~

~~STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO.~~

~~(2) For the 1988-89 school year and each school year after that, the amount determined under STEP NINE of the following formula:~~

~~STEP ONE: Determine the remainder of:~~

~~(A) (1) the amount of the total tuition support allocated to the school corporation for the particular school year; minus~~

~~(B) (2) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).~~

~~STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).~~

~~STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.~~

~~STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five (5).~~

~~STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.~~

~~STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.~~

~~STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).~~

~~STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.~~

~~STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.~~

(e) The department may grant a waiver of the penalty imposed under subsection (d) for a particular number of ~~cancelled canceled~~ student instructional days if:

(1) the school corporation applies to the department for a waiver of the penalty imposed under subsection (d) for a specific number of ~~cancelled canceled~~ student instructional days; and

(2) each of the particular number of student instructional days requested to be waived under this subsection was ~~cancelled canceled~~ due to extraordinary circumstances.

(f) The department shall develop guidelines for school corporations to apply for a waiver under subsection (e).

SECTION 6. IC 20-10.1-2-1.1 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. (a) This section applies to a public school that exceeds the student instructional day requirement set forth in section 1(c) of this chapter in a manner so that each instructional day is comprised of at least:**

- (1) five (5) hours and eighteen (18) minutes for grades 1 through 6; or**
- (2) six (6) hours and twenty-one (21) minutes for grades 7 through 12.**

**(b) A school described in subsection (a) may use the equivalent of up to five (5) of the school instructional days in a school year, including full days, to conduct one (1) or more of the following instead of student instruction:**

- (1) Activities associated with the strategic and continuous school improvement and achievement plan under IC 20-10.2-3.**
- (2) Professional development activities required under IC 20-1-1-6.5.**
- (3) Parental involvement initiatives.**
- (4) Community partnership activities.**
- (5) Standards, curriculum, instruction, and assessment alignment.**
- (6) Any other activity associated with the implementation of IC 20-1-1-6.3, IC 20-1-1-6.5, or IC 20-10.2.**

**(c) This section expires June 30, 2005.**

SECTION 7. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, Each student is required to meet:**

- (1) the academic standards tested in the graduation examination; and**
- (2) any additional requirements established by the governing body;**

**to be eligible to graduate.**

**(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.**

**(c) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:**

C  
o  
p  
y



- (1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.
- (2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

- (1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.
- (2) Completes remediation opportunities provided to the student by the student's school.
- (3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
- (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.
- (5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:
  - (A) be concurred in by the principal of the student's school; and
  - (B) be supported by documentation that the student has attained the academic standard in the subject area based upon:
    - (i) tests other than the graduation examination; or
    - (ii) classroom work.
- (6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

- (1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:
  - (A) be concurred in by the principal of the student's school;

C  
o  
p  
y



and

(B) be supported by documentation that the student has attained the ~~academic standard in the subject area goals established by the student's individual educational program~~ based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains ~~at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board: a passing grade as defined by the governing body of the school corporation where the student is enrolled.~~

(E) Otherwise satisfies all state and local graduation requirements."

Delete page 6.

Page 7, delete lines 1 through 2.

Page 7, after line 12, begin a new paragraph and insert:  
"SECTION 9. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 187 as printed March 28, 2003.)

PELATH, Chair

Committee Vote: yeas 6, nays 4.

